

AG Contract No. KR98 2617TRN
ADOT ECS File No. JPA 98-206
Project: I-15-1(4) R/W
Section: I-15, Littlefield Interchange

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
MOHAVE COUNTY, ARIZONA

THIS AGREEMENT is entered into 27 April, 1999,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") and MOHAVE COUNTY, ARIZONA, acting by and through its BOARD OF
SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. Incident to minor highway maintenance improvements on the old US 91 bypass (I-15 frontage road) and old US 91 (cross road over I-15 to Beaver Dam) contemplated by the State, to include crack sealing the old US-91 bypass and old US-91 crossroad, cutting back the hill on the northwest corner of the intersection of old US-91 and old US-91/Beaver Dam crossroad, and the construction of an earth berm on the east side of old US-91/Beaver Dam crossroad near the Beaver Dam Mobile Home Park, the State and the County have agreed that upon completion of the improvements the State will abandon ownership jurisdiction and maintenance responsibility and transfer to the County old US 91 bypass and frontage road and old US 91/Beaver Dam crossroad within the State right-of-way.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO. 23177
Filed with the Secretary of State
Date Filed: 04/27/99

Betty Bayless
Secretary of State

By Dicky J. Greenwood

II. SCOPE

1. The State will:

a. Using State maintenance forces, accomplish the minor improvements. Provide the County Right of Way and As-Built plans, specifications and such other related documents as are reasonably available and requested by the County.

b. Upon completion of the maintenance improvements, and upon approval of and by Resolution of the State Transportation Board, abandon ownership jurisdiction and maintenance responsibility for old US 91 bypass and frontage road and old US 91/Beaver Dam crossroad within the State right-of-way to the County.

2. The County will:

a. Upon completion of the maintenance improvements, and upon approval of and by Resolution of the Board of Supervisors, accept jurisdiction and maintenance responsibility for the roadway on old US 91 bypass and frontage road and old US 91/Beaver Dam crossroad within the State right-of-way.

b. Waive the requirements of Arizona Revised Statutes Section 28-7209 (formerly ARS 28-106).

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be canceled at any time prior to the commencement of performance under this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

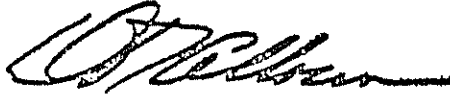
6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

RESOLUTION

BE IT RESOLVED on this 26th day of January 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Mohave County for the purpose of defining responsibilities for constructing improvements to I-15 frontage road at the Littlefield Interchange (old US-91 bypass) and the abandonment of ownership and maintenance jurisdiction of portions of old US-91 to the County.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION No. 99-143

WHEREAS, the Board of Supervisors of Mohave County met in Special Session this 5th day of April 1999, and

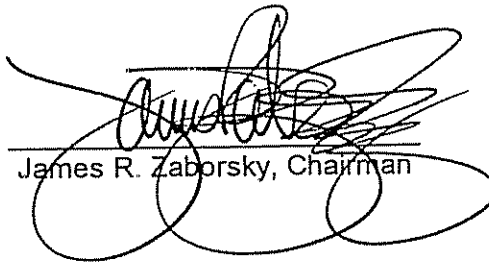
WHEREAS, the Mohave County Board of Supervisors has determined that it would be in the best interest of Mohave County to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the purpose of defining responsibilities for constructing improvements to I-15 frontage road at the Littlefield Interchange (old US-91 bypass) and the abandonment of ownership and maintenance jurisdiction of portions of old US-91 to the County, and

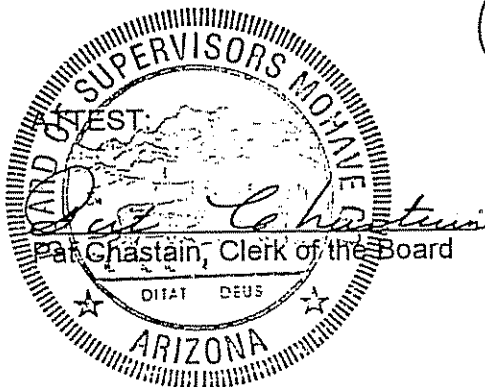
WHEREAS, ARS 11-952 empowers the Board of Supervisors of Mohave County to enter into agreements, and

WHEREAS, James R. Zaborsky, Chairman of the Mohave County Board of Supervisors is hereby authorized to execute the Intergovernmental Agreement and any amendments and/or modifications thereto on behalf of Mohave County.

PASSED, APPROVED AND ADOPTED this 5th day of April 1999

MOHAVE COUNTY BOARD OF SUPERVISORS

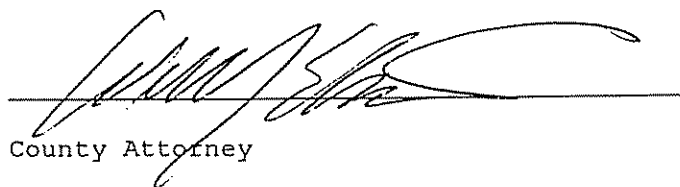

James R. Zaborsky, Chairman



APPROVAL OF THE MOHAVE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and MOHAVE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 12th day of Mar, 1999.


County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2997

JANET NAPOLITANO
ATTORNEY GENERAL

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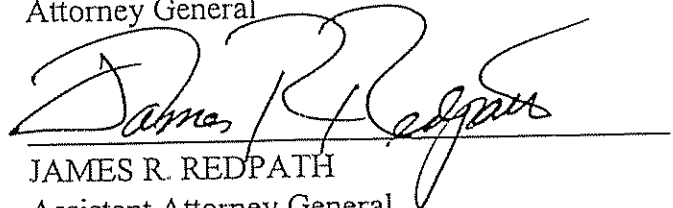
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-2617TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED April 21, 1999.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/20389

Enc.